

IN THE HIGH COURT OF JHARKHAND AT RANCHI

L.P.A. No. 786 of 2025

1. The State of Jharkhand, represented by the Chief Secretary, Ranchi
 2. The Secretary, Department of Agriculture, Animal Husbandry & Co-operative, Government of Jharkhand, Ranchi
 3. The Director, Agriculture, Government of Jharkhand, Ranchi
- Appellants

Versus

Ravindra Baraik, S/o Harinandan Baraik, R/o Village-Roytoli, P.O.-Lapung, P.S.-Lapung, District-Ranchi

..... Respondent

CORAM**HON'BLE THE CHIEF JUSTICE****HON'BLE MR. JUSTICE RAJESH SHANKAR**

For the Appellants: Mr. Shahbaz Akhtar, A.C. to A.A.G.-III

For the Respondent: Mr. Ankur Anand, Advocate

02/04.05.2026

I.A. No. 14446 of 2025:

1. Heard learned counsel for the parties.
2. The present interlocutory application seeks condonation of delay of 262 days in filing this appeal.
3. In the averments made in the present interlocutory application, there is reference to the file moving from one officer to another. Apart from the fact that all this is not verifiable, even assuming that the file has moved from table to table, cannot constitute sufficient cause to explain the substantial delay of 262 days.
4. On perusal of the present interlocutory application, we find that neither the Under Secretaries nor Joint Secretaries and Secretaries acted with utmost dispatch or even reasonable dispatch. There are vague statements that every time the file came before an officer, he requested for further information to the Section Officers or the other officers and there was again delay in providing that information. To add some spice, there is vague reference to the notification of Assembly Elections. Based upon such averments, we

cannot accept that any sufficient cause has been shown for condonation of delay.

5. We refer to the decision of the Hon'ble Supreme Court rendered in the case of ***Postmaster General and others Vs. Living Media India Limited and Another*** reported in ***(2012) 3 SCC 563***.

Paragraph Nos. 25, 27 & 28 of the said decision read as under:

"25. We have already extracted the reasons as mentioned in the "better affidavit" sworn by Mr. Aparajeet Pattanayak, SSRM, Air Mail Sorting Division, New Delhi. It is relevant to note that in the said affidavit, the Department has itself mentioned and is aware of the date of the judgment of the Division Bench of the High Court in Office of the Chief Postmaster v. Living Media India Ltd. as 11-9-2009. Even according to the deponent, their counsel had applied for the certified copy of the said judgment only on 8-1-2010 and the same was received by the Department on the very same day. There is no explanation for not applying for the certified copy of the impugned judgment on 11-9-2009 or at least within a reasonable time. The fact remains that the certified copy was applied for only on 8-1-2010 i.e. after a period of nearly four months. In spite of affording another opportunity to file better affidavit by placing adequate material, neither the Department nor the person-in-charge has filed any explanation for not applying the certified copy within the prescribed period. The other dates mentioned in the affidavit which we have already extracted, clearly show that there was delay at every stage and except mentioning the dates of receipt of the file and the decision taken, there is no explanation as to why such delay had occasioned. Though it was stated by the Department that the delay was due to unavoidable circumstances and genuine difficulties, the fact remains that from day one the Department or the person/persons concerned have not evinced diligence in prosecuting the matter to this Court by taking appropriate steps.

27. It is not in dispute that the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitation for taking up the matter by way of filing a special leave petition in this Court. They cannot claim

that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings. In the absence of plausible and acceptable explanation, we are posing a question why the delay is to be condoned mechanically merely because the Government or a wing of the Government is a party before us.

28. Though we are conscious of the fact that in a matter of condonation of delay when there was no gross negligence or deliberate inaction or lack of bona fides, a liberal concession has to be adopted to advance substantial justice, we are of the view that in the facts and circumstances, the Department cannot take advantage of various earlier decisions. The claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody, including the Government."

6. Similarly, we also refer to the decision rendered by the Hon'ble Supreme Court in the case of ***Union of India & Anr. Vs. Jahangir Byramji Jeejeebhoy (D) through his LR*** reported in ***2024 SCC OnLine SC 489***. Paragraph Nos. 25, 26, 27 & 35 of the said decision read as under:

"25. It hardly matters whether a litigant is a private party or a State or Union of India when it comes to condoning the gross delay of more than 12 years. If the litigant chooses to approach the court long after the lapse of the time prescribed under the relevant provisions of the law, then he cannot turn around and say that no prejudice would be caused to either side by the delay being condoned. This litigation between the parties started sometime in 1981. We are in 2024. Almost 43 years have elapsed. However, till date the respondent has not been able to reap the fruits of his decree. It would be a mockery of justice if we condone the delay of 12 years and 158 days and once again ask the respondent to undergo the rigmarole of the legal proceedings.

26. The length of the delay is a relevant matter which the court must take into consideration while considering whether the delay should be condoned or

not. From the tenor of the approach of the appellants, it appears that they want to fix their own period of limitation for instituting the proceedings for which law has prescribed a period of limitation. Once it is held that a party has lost his right to have the matter considered on merits because of his own inaction for a long, it cannot be presumed to be non-deliberate delay and in such circumstances of the case, he cannot be heard to plead that the substantial justice deserves to be preferred as against the technical considerations. While considering the plea for condonation of delay, the court must not start with the merits of the main matter. The court owes a duty to first ascertain the bona fides of the explanation offered by the party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced that the court may bring into aid the merits of the matter for the purpose of condoning the delay.

27. We are of the view that the question of limitation is not merely a technical consideration. The rules of limitation are based on the principles of sound public policy and principles of equity. We should not keep the 'Sword of Damocles' hanging over the head of the respondent for indefinite period of time to be determined at the whims and fancies of the appellants.

35. In a plethora of decisions of this Court, it has been said that delay should not be excused as a matter of generosity. Rendering substantial justice is not to cause prejudice to the opposite party. The appellants have failed to prove that they were reasonably diligent in prosecuting the matter and this vital test for condoning the delay is not satisfied in this case."

7. Moreover, we also refer to the Hon'ble Supreme Court's decision rendered in the case of ***Shivamma (dead) by LRs Vs. Karnataka Housing Board & Others*** reported in ***2025 SCC OnLine SC 1969***. Paragraph Nos. 261 to 264 of the said decision read as under:

"261. Thus, for the reasons aforesaid, the impugned order of the High Court deserves to be set aside. Before we proceed to close this judgment, we deem it appropriate to make it abundantly clear that administrative lethargy and laxity can never stand as a sufficient ground for condonation of delay, and we want

to convey an emphatic message to all the High Courts that delays shall not be condoned on frivolous and superficial grounds, until a proper case of sufficient cause is made out, wherein the State machinery is able to establish that it acted with bona fides and remained vigilant all throughout. Procedure is a handmaid to justice, as is famously said. But courts, and more particularly the constitutional courts, ought not to obviate the procedure for a litigating State agency, who also equally suffer the bars of limitation from pursuing litigations due to its own lackadaisical attitude.

262. The High Courts ought not give a legitimizing effect to such callous attitude of State authorities or its instrumentalities, and should remain extra cautious, if the party seeking condonation of delay is a State-authority. They should not become surrogates for State laxity and lethargy. The constitutional courts ought to be cognizant of the apathy and pangs of a private litigant. Litigants cannot be placed in situations of perpetual litigations, wherein the fruits of their decrees or favourable orders are frustrated at later stages. We are at pains to reiterate this everlasting trend, and put all the High Courts to notice, not to reopen matters with inordinate delay, until sufficient cause exists, as by doing so the courts only add insult to the injury, more particularly in appeals under Section 100 of the CPC, wherein its jurisdiction is already limited to questions of law.

263. Limitation periods are prescribed to maintain a sweeping scope for the lis to attain for finality. More than the importance of judicial time, what worries us is the plight of a litigant with limited means, who is to contest against an enormous State, and its elaborate and never-exhausting paraphernalia. Such litigations deserve to be disposed of at the very threshold, because, say if a party litigating against the State, for whatever reason, is unable to contest the condonation of delay in appeal, unlike the present case, it reopens the lis for another round of litigation, and leaves such litigant listless yet again. As courts of conscience, it is our obligation that we assure that a litigant is not sent from pillar to post to seek justice.

264. No litigant should be permitted to be so lethargic and apathetic, much less be permitted by the courts to misuse the process of law."

8. Applying the ratio of the above decisions to the facts of the present case, we are satisfied that no sufficient cause has been shown to condone the delay of 262 days in filing the present appeal. Accordingly, we dismiss the present interlocutory application without any order for costs.

L.P.A. No. 786 of 2025:

9. As a result of dismissal of I.A. No. 14446 of 2025, the accompanying appeal will not survive and the same is accordingly dismissed.
10. Pending interlocutory application, if any, also stands disposed of.

(M. S. SONAK, C.J.)

(RAJESH SHANKAR, J.)

04.05.2026
Satish/Vikas/